

Members:

Sen. Richard Bray, Chair
Sen. David Ford
Sen. William Alexa
Sen. Timothy Lanane
Rep. Jesse Villalpando, Vice Chair
Rep. Kathy Richardson
Rep. Ralph Ayres
Rep. Dale Sturtz



Lay Members:

Hon. Randall Shepard
Hon. Ernest Yelton
Mary Lou Schnell
William Overdeer
Sarah Taylor

LSA Staff:

Susan Preble, Fiscal Analyst for the Commission
George Angelone, Attorney for the Commission

Authority: IC 33-1-15

COMMISSION ON COURTS

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554

MEETING MINUTES

Meeting Date: September 24, 1998
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 5

Members Present: Sen. Richard Bray, Chair; Sen. David Ford; Sen. Timothy Lanane; Rep. Jesse Villalpando, Vice Chairperson; Rep. Kathy Richardson; Rep. Ralph Ayres; Rep. Dale Sturtz; Honorable Ernest Yelton; Honorable John Sharpnack (sitting in for the Honorable Randall Shepard), William Overdeer; Sarah Taylor.

Members Absent: Sen. William Alexa; Mary Lou Schnell; Honorable Randall Shepard.

CALL TO ORDER AND OPENING REMARKS

Senator Bray called the meeting to order at 10:15 a.m. The Commission then approved the minutes of the meeting of September 10, 1998.

SALARY INCREASE FOR COURT OFFICERS

Judge Paul Mathias, President, Indiana Judges' Association, reminded the members that his term ends in July of 1999, and thanked the Commission for its support over the last four years. He explained that the last salary increase for court officers was enacted in 1995. Judge Mathias pointed out that though Indiana has the fourteenth largest population in the country, the salary for judges is ranked thirty-second. He stated that while each county has the discretion to provide judges with a maximum salary supplement of \$5,000, a third do not receive the maximum amount, and over a quarter receive no supplement at all.

Judge Mathias stated that judges should be treated as state employees and receive the same increases that state employees receive. He reported that by calculating the impact that yearly state increases would have had on judges' salaries, he determined that they have lost \$383,000 in purchasing power over the last twenty-five years. Judge Mathias estimated that the cost to raise judges' salaries from \$90,000 to \$104,000 would cost \$9.2 million. He stressed that though he thinks the increase should be a budget item, it could be funded by increasing civil court costs or by changing the state/county/local distribution of court cost revenue.

Rep. Villalpando agreed that the general fund should be the source of such a salary increase instead of raising court costs. He cautioned Judge Mathias about comparing judges with state employees, because

most state employees do not make a third of a judge's current \$90,000 salary.

Rep. Sturtz stated that the annual \$24,000 general fund contribution to each judge's pension plan alone is more than most state employees make in a year. He said that unlike state employees, judges can retire after serving two full-time terms.

Judge Mathias acknowledged these differences but reminded the members that most judges forgo a lucrative private practice in order to serve on the bench, and that the retirement plan is similar to most other plans across the country for judges.

Sen. Bray asked how other states handle the controversial issue of salary increases for court officers. Judge Mathias distributed a handout and stated that other states employ a variety of methods, including: establishing compensation commissions which regularly review salaries and make recommendations; aggregating salaries into a line item of the Supreme Court's budget to de-politicize the increase; or automatically tying court officers' salaries with those of state employees.¹

DISCUSSION AND RECOMMENDATIONS ON REQUESTS FOR JUDICIAL OFFICERS

Sen. Bray directed the Commission's attention to the chart distributed that summarized all the requests for judicial officers made before it during the 1998 interim session.² He stated that he would like to put whatever recommendations the Commission makes regarding additional judicial officers in one bill for the 1999 session. Sen. Ford moved that any county with a need for less than 1 officer according to the weighted caseload study should not be included in the Commission's recommendations for additional officers to the General Assembly. Rep. Villalpando seconded the motion, which was then adopted by consent.

Rep. Villalpando recommended that the Commission create two new superior courts for the civil division in Lake County in addition to that court's request for two magistrates, and eliminate the superior court-juvenile division's request for two magistrates.

Rep. Villalpando's motion to decrease Marion County's request from ten magistrates to five failed for lack of a second. Sen. Ford's motion to decrease the St. Joseph County probate court's request from two magistrates to one was adopted by consent.

The Commission's recommendations are as follows:

<u>County</u>	<u>Additional Officers Recommended</u>
Allen	Superior court-civil division: 2 magistrates Superior court-criminal division: 1 magistrate
Clark	1 magistrate to serve both circuit & superior courts
Dearborn	Convert county court to a superior court
Elkhart	1 superior court
Floyd	1 magistrate to serve the county, superior and circuit courts
Lake	Circuit court: 1 magistrate

¹A copy of Judge Mathias' handout is on file at the Legislative Information Center, Room 230, State House, Indianapolis, Indiana. The telephone number of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 West Washington Street, Suite 301, Indianapolis, Indiana 46204-2789.

²A copy of the summary chart is on file at the Legislative Information Center (see footnote 1).

	Superior court civil division: 2 magistrates and 2 courts Superior court county division: 1 magistrate
LaPorte	1 magistrate to serve both circuit and superior court #4
Marion	10 magistrates & 4 courts
Noble	Convert county court to a superior court
St. Joseph	Circuit court: 1 magistrate Probate court: 1 magistrate Superior court: 2 magistrates
Vanderburgh	Superior court: 3 magistrates

VOTE ON PRELIMINARY DRAFTS

George Angelone, the Commission's staff attorney, distributed copies of the following preliminary drafts to the Commission members: PD 3344, PD 3346, PD 3133 and PD 3019.³

Mr. Angelone explained that **PD 3344** is enabling legislation for the family court pilot project is similar to SB 365 as introduced in the 1998 session of the General Assembly. Mr. Angelone explained that the draft contains no appropriation because the Supreme Court has included funding for the project in its budget. The draft calls for the project to be run on a calendar year basis, with a six-month start-up period for the submission and review of county plans. Then three jurisdictions will be chosen for the project: one small, one medium and one large county. He explained that the project will run for two years and then a report will be submitted to the General Assembly.

Chief Judge Sharpnack proposed that the Commission recommend a resolution instead of legislation. Mr. Angelone distributed copies of a resolution that closely mirrors the request made by Justice Sullivan on September 10, 1998. Sen. Bray agreed and said that the Commission can adopt the resolution, the PD, or both as a means of encouraging the implementation of a family court pilot project. A motion to amend the resolution to ensure that there is no implication that new courts will be established was adopted. A motion to adopt the resolution as amended was adopted.

By voice vote, the Commission voted to recommend **PD 3346** which converts the salaries of sixteen juvenile magistrates from 43% to 100% state paid.

Also by voice vote, the Commission voted to recommend **PD 3133** which eliminates the requirement that judges report gifts from family members on economic impact statements.

Next, Mr. Angelone explained that **PD 3019** establishes the Commission on Restorative Justice and is the same as last year's SB 15 which established a fifteen-member commission for two years. The Commission would recommend changes in legislation, and Legislative Services Agency will staff the Commission. The Commission adopted a motion to add a county commissioner and county council member appointed by the House and Senate to the proposed Commission on Restorative Justice's membership. By voice vote, the Commission voted to recommend PD 3019 as amended.

DISCUSSION ON BAIL BONDS

Sen. Bray asked if Commission members were interested in making any changes to the bail bond statutes. No interest was expressed, and no action was taken.

³Copies of the preliminary drafts are on file at the Legislative Information Center (see footnote 1).

OTHER COMMISSION BUSINESS

Sen. Bray explained that the construction industry has developed a proposal for changing the mechanic's lien law, but that because it had not yet been shared with the banking industry and other interested parties, the Commission would not take any further action on the issue.

Rep. Ayres expressed interest in distributing a proposal at the final meeting regarding alternate jury selection and when juror lists should be open to the public.

ADJOURNMENT

With no further business before the Commission, Sen. Bray set the final meeting for October 15, 1998 at 10:00 a.m. in Room 404 and adjourned the meeting at 11:50 a.m.